

From: Adam Del Deo [REDACTED]
Sent: Friday, June 26, 2015 12:40:28 AM
To: Benjamin Cotner [REDACTED]
Cc: Lisa Nishimura [REDACTED]
Subject: Re: Episode Breakdown

Great, thanks Ben. Look forward to us all chatting tomorrow.

Fun night, get some rest!

Sent from my iPhone

On Jun 26, 2015, at 12:10 AM, Benjamin Cotner <[REDACTED]> wrote:

Here is a basic breakdown of what I felt were the important plot points and potential cliffhangers for each episode.

EPISODE BREAKDOWN

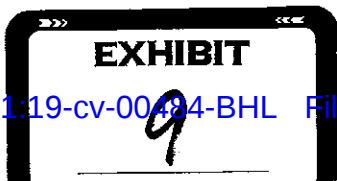
Episode 1:

Plot points:

- Dispute with cousin/masturbating on the lawn
- Penny is assaulted
- Because of bad blood with police they point the finger at Steven
- Steven has alibi and wasn't even in the area.
- Steven is convicted despite no physical evidence.
- Steven's marriage ends.
- New DNA (allele) evidence is introduced but denied on appeals.

Cliffhanger: Innocence Project tests pubic hair and it matches Gregory Allen and Steven is released.

(Currently no episode break here yet)



From: Lisa Nishimura [REDACTED]
Sent: Saturday, July 11, 2015 1:07:48 PM [REDACTED]
To: Moira Demos [REDACTED]; Laura Ricciardi [REDACTED];
[REDACTED] Mary Manhardt [REDACTED]; Lisa [REDACTED]
Cc: Adam Del Deo [REDACTED]; Benjamin Cotner [REDACTED]
Subject: Making A Murderer: Series Notes
Attachments: MakingAMurderer_SeriesNotes_WorkInProgress.pptx

Dear Moira & Laura, Mary and Lisa,
We hope this finds you very well. Attached please find our notes on behalf of the series based on our recent marathon viewing of all available episodes which we found exceedingly helpful! We completely understand that you have been concurrently working away on some of these episodes and many of the notes may be moot based upon structural changes you have made in the interim. That said, as a work in progress, we hope you will find them helpful.

As this is the first pass at the full series vs. individual episodes, we've structured these notes somewhat differently. Perhaps helpful to explain how to navigate them.

The idea is to separate structural ideas from more detailed comments. The first slide for each episode has the current story beats on the left and our suggestions on the right. You'll find there are not a large number of these, but these suggestions represent the bigger ideas that contemplate the overall structure.

The structural cards are followed by more detailed specific notes with timecode and then some GFX, Music and Overall general ideas for discussion. We are very excited to come see you on Tuesday morning, but would encourage you to give us a call in the meantime if any of these notes are unclear. Of the utmost importance is to convey that we have organized these notes to help support a productive and ongoing dialogue. We look forward to continuing with our open line of communication, all with the *singular goal* of supporting the creation of what we know can be a *landmark, awards-worthy *documentary series!

Many Thanks and Speak Soon!

Best,
Lisa, Adam & Ben

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Making a Murderer

Status:

1. The series is amazing. It is a major accomplishment to lay out such a complex case in such a clear and suspenseful way.
1. Some structural & pacing challenges may not support full audience engagement for such a long view that at times gets very granular.

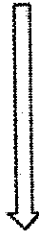
Goals:

1. Identify final overall series structure which supports the most impactful, compelling and revelatory storytelling, including:
 - Ideal number of episodes (9-10?)
 - Ideal length of episodes (recommending 50 minute target, no greater than 60)
 - Best opens and closes (see specific notes in Structural Breakdown)
 - Red Herrings.
 - Expand the emotional range for the viewer throughout the series. We want to feel the swells of hope, the rage of injustice, the horror of the defenseless. Viewers across the globe should be in tears and shouting at their screens throughout.
2. Music and gfx aren't being utilized effectively yet for the next pass we should take it to the next level and bring in reinforcements for the areas that aren't yet getting there.
3. With final overall episode structure in place, tighten each episode to most effective cut (see detailed notes).
4. Eliminate the storylines that aren't serving the greater good.

CURRENT:**Episode 1.****SUGGESTIONS:**

Cold open: S.A. gets out of prison. Background that he was wrongfully imprisoned for 18 years. Cousin says: "Be careful... They aren't even close to being finished with you."

- S.A. files civil rights suit against Sheriff and DA.
- Jump back to Sandra deposition.
- S.A. background.
- Dispute with Sandra, S.A. charged with felony.
- Penny B is attacked.
- Police mishandle and Penny points to S.A.
- S.A. arrested, Sheriff keeps him from lawyer.
- Background on S.A.'s alibi.
- Information about Gregory Allen.
- S.A. found guilty.
- Hard on family. Parents stick by him. Lori leaves.
- New evidence - fingernails not enough.
- Pubic hair found. Matches Gregory Allen.
- Evidence of police misconduct.
- S.A. back to normal life, meets Jodi.



There should be a more explicit ending that makes it clear that in the next episode the cops are going to seek revenge. We should have a really tight Episode 1 with a strong cliffhanger that immediately engages the audience to come back for Episode 2. Currently, the suggestion that they might charge him with murder is very subtle and the audience might think everything is resolved. This line is impossible to understand without any context. (also could consider ending with the cliffhanger of whether or not the DNA matches S.A., this would be the ultimate pull-back for watching Ep2 but would mean changing the cold-open)

Cliffhanger: S.A. is released: "Don't bring a lawsuit against Sheriff's department in a community where you still live or you could get charged with murder."

5

Episode 1 - Detail (1hr 9min)

- 1:45 - we end the cold open with Steven's cousin saying, "Manitowoc County is not done with you, they're not even close to being finished with you". The viewer has yet to get their bearings - we should explore adding graphical treatment to these powerful words going into the title treatment.
- 21:00 - Emphasize the relationship between Sheriff Kocourek's wife and Penny B so that we establish a motive for him to interfere in the investigation.
- 31:47 - The fact that the police had been following Gregory Allen is established (somewhat out of the blue) during the investigation. This set-up seems to undermine the revelation later, when his DNA is matched, that the police had been following him and hid this information. It could be more shocking to reveal later in the episode who Gregory Allen was and how evidence of his presence was known by the Sheriff's dept.
- 37:15 & 40:55 - There are two chunks that both talk about the parents sticking by him. This is something we return to several times through the series, so we should just be judicious about which of these is the most effective and sufficient.
- 41:50 - The explanation of the appeals system might be unnecessary - we should probably assume the audience has a basic understanding of this.
- 45:30 - Stephen Glynn talks for a while about how the decision shows how much the system is weighted against the presumption of innocence, but we never see the decision for ourselves - is there a way to pull out a representative quote from that decision that could be shown while he is talking? He also talks about how S.A. pays a heavy price for not caving under pressure, but this is already really clear.

6

Episode 1 – Detail Cont. (1hr 9min)

- 51:00 - The exoneration of Steven should be a much more emotional turn of events. After 18 years it should be heartbreaking that he is finally out. Music and edits should build-up and pay-off in a much bigger way.
- - Public Integrity Bureau investigation report goes into a lot of detail and might be hurting the momentum of the episode's conclusion (over 4 minutes).

⑦

CURRENT:

Episode 2.

SUGGESTIONS:

Cold open: Homevideo of T.H.

- S.A. files \$36m lawsuit against Manitowoc.
- Civil suit trial.
- -Police sketch mishandled.
- Legislature about to pay his \$450k.
- Colburn received phone call in 1995, no report.
- More testimony.
- City will be on the hook for damages.
- Teresa Halbach goes missing.
- Search party - they find the Rav4.
- Cop asks if they have S.A. in custody yet
- Calumet County takes over the investigation.
- Police search S.A.'s house.
- Manitowoc only used for support resources.
- Key found.
- S.A. is questioned and arrested.
- Keep S.A. away from lawyer. Lie about location.
- Kratz says the evidence hasn't been tainted.

The cold open of T.H. is very confusing and too far ahead of her disappearance to make the connection. Perhaps open with the image of the article saying that S.A. is suing the law enforcement agencies and Walter Kelly (Ep2 - 3:19) explains everything up until he says that it is for \$36m. And it would save the TH video to use later to greater effect during the trial (eg around Ryan's testimony).

The police sketch and Judy Dvorak scenes are explained in such detail in Episode 1 that it is less of a bombshell here. Would it make more sense to hold the reveals for this Episode?

The testimony about this phone call and report (which we touch on several times throughout the series) is confusing as it relates to who within law enforcement knows what/when - could a graphic help chart the related events and make it less necessary to keep repeating the story?

Cliffhanger: S.A. DNA on the key and in the blood. S.A. in handcuffs entering courtroom.

Potentially add Allan's quote from the top of Ep3 saying "They framed an innocent man just like they did 20 years ago" to the cliffhanger here.

8

Episode 2 - Detail

- 5:55 - What Walter Kelly is saying about the AG's report is very interesting, but he is very slow and unclear in his diction - probably it ultimately isn't necessary. It could even be as simple as saying "they felt like they were talking law enforcement to law enforcement so were fairly candid."
- 14:00 - The phone call that Colburn receives and the subsequent flow of information to other figures in the Sheriff's department is something we keep going back to throughout the series. It would really help to create a graphic that can be built on throughout the series as new information is added to this topic. It would really help keep clear what the connections are and highlight when new information is revealed. It could also help minimize the amount of time we need to spend explaining it multiple times.
- Also, is there any record that Gregory Allen was in the Brown County prison when they made the phone call to Colburn? Maybe add his mugshot from that prison to the graphic as well, to drive home the fact that they are letting a known rapist go free while Steven rots in prison.
- 17:30 - There is probably more testimony of the police that we need at this point regarding the phone call.
- 22:50 - This Michael Grierbach testimony doesn't really seem necessary.
- 24:00 - Who is the person who is circled in the courtroom clip?
- 25:00 - Not sure what the montage of courtroom exteriors and testimony clips is doing here. (55 seconds for just a short VO) - and this conversation about the impact on the city is somewhat redundant - it could probably be tightened.

9

Episode 2 – Detail Cont

- 27:20 - Stephen Glynn gives a very wordy and dry reveal that Teresa Halbach is missing. There should be a bit of a tonal shift and dramatic tire-screach when the bombshell is dropped that someone is connecting S.A. to a murder. He says it in an almost incidental way. Are there other options? News clips? Make this a visceral experience that a woman is missing and people are searching for her and the world is closing in on Steven.
- 32:30 - Search party lasts for almost 2 minutes. Maybe it could be cut down by 1 minute and have Mike Halbach's interview as partially VO instead of on screen the whole time.
- 42:40 - Not sure if we need the search party again since the car has already been found. It is clear that they are still looking for the body, but the focus now has shifted to the Avery property and since the search party isn't involved in that we could probably cut this entire minute out and get straight to finding the body and key.
- 45:00 - There should be more of a creepy, suspenseful tone when the bones and teeth are shown.
- End - Use lower-thirds to ID the cops that are questioning S.A.

10

CURRENT:**Episode 3.****SUGGESTIONS:**

Cold open: S.A. denies and gets handcuffed in interrogation room, Allan Avery saying they are taking an innocent man and making him guilty just like 20 yrs ago.

- Start of pre-trial.
- Key wasn't there when they first searched.
- Court finds probable cause.
- Gov signs Avery reform. Discuss changing name.
- Media repaints S.A. a monster. Town reacts.
- Family gets hate letters
- Judge sets bail high.
- Family visits.
- S.A. settles lawsuit to get money for defense.
- Halbach family files lawsuit to tie up money.
- Butling and Strang join - talk about police framing.
- Brendan is detained.
- Kratz details Brendan's version of crime.
- Jodi out, Chuck reacts, Allan says family torn.
- Brendan coerced and charged.

Since Ep2 ends with him shackled going into courthouse, is it necessary to have him handcuffed here? Other ideas would be to start with teasing the fact that the key wasn't there the first several times they searched the room or start with the media turning on S.A. - making him into a monster.

Cliffhanger: Brendan's mom says that if he testifies against S.A. he gets 20+ years with parole, but if he doesn't he could get life with no parole.

This is a great cliffhanger, but should drive harder on the fact that B.D. might testify against S.A. and is essentially being blackmailed to do this.

11

Episode 3 - Detail

- Opening - Use lower-thirds to ID the cops that are questioning S.A.
- 08:44 - Coverage of the Governor signing the Avery Reform Bill (and the state senator discussing) is definitely interesting, but it is a bit granular and might not move the story forward at all. This might not be information that the audience need and could save us almost two minutes
- 13:55 - Chuck playing pool could be trimmed. The local woman and man giving the community perspective is good, but could stand on its own. This five minute chunk (including Steven's phone calls and Chuck in the junkyard) could be delivered in a few quick soundbites contrasted with the media coverage of Steven as a monster to show that there is a division of opinion between the establishment and the poor community. Could be really driven home if capped with Steven's quote (18:40) "Poor people lose".
- 19:19 - Do we need the scene of them visiting him in prison? We already get that the family is standing behind him and don't see why he would do this
- 25:15 - 28:15 - Bringing in Strang & Buting should be a glimmer of hope and feel somewhat triumphant- here are two great lawyers coming to his rescue, but this three minute segment doesn't capture that. This could really be tightened up and enhanced by a good music cue.
- 41:56 - Jodi gets out of jail. Is there any way to quickly establish earlier on that she has been in jail through all of this?
- 47:28 - Allan complaining about the loss of business and Chuck saying that he doesn't think Steven is guilty are both somewhat repetitive from other scenes - maybe a tighter version, but it feels like it might be overkill.

12

CURRENT:**Episode 4.****SUGGESTIONS:**

Cold open: S.A. on phone over B-roll "Brendan said all of this. I feel sorry for him. ...It'd probably make somebody look like a monster. ...Nothing good can come out of this.

It's tough to understand in a cold open what S.A. is talking about - there is too much distance between this call and the previous episode's material that gives it context. Would it be possible to tease something that is coming ahead rather than recap?

- New atty (Len) for B.D. - he is terrible.
- Jodi finds phone calls w/S.A. on day of murder.
- Eval. of blood and key DNA, evidence from car.
- Try to throw out B.D.'s confession
- Len/O'Kelley push B.D. to confess.
- B.D. meets with police then calls mom.
- Police say easier to kill S.A.
- State tries to change death penalty, trial delayed.
- Jodi ordered not to see S.A.
- Family tries to get B.D. a new lawyer - denied.
- Judge tells Len to withdraw.
- Family check in.
- Recap of Penny B set-up.
- Lenk.

Maybe it would be better to bring some of the innocence project's explanations about why this was so egregious from Ep10. It would help clarify the fact that Michael O'Kelley is supposed to be working FOR B.D. and also deal with it in one place instead of multiple times. And ending on such deep analysis of the issue is somewhat anti-climatic. Splitting it up between this section and the hearing for the new trial would possibly be more efficient.

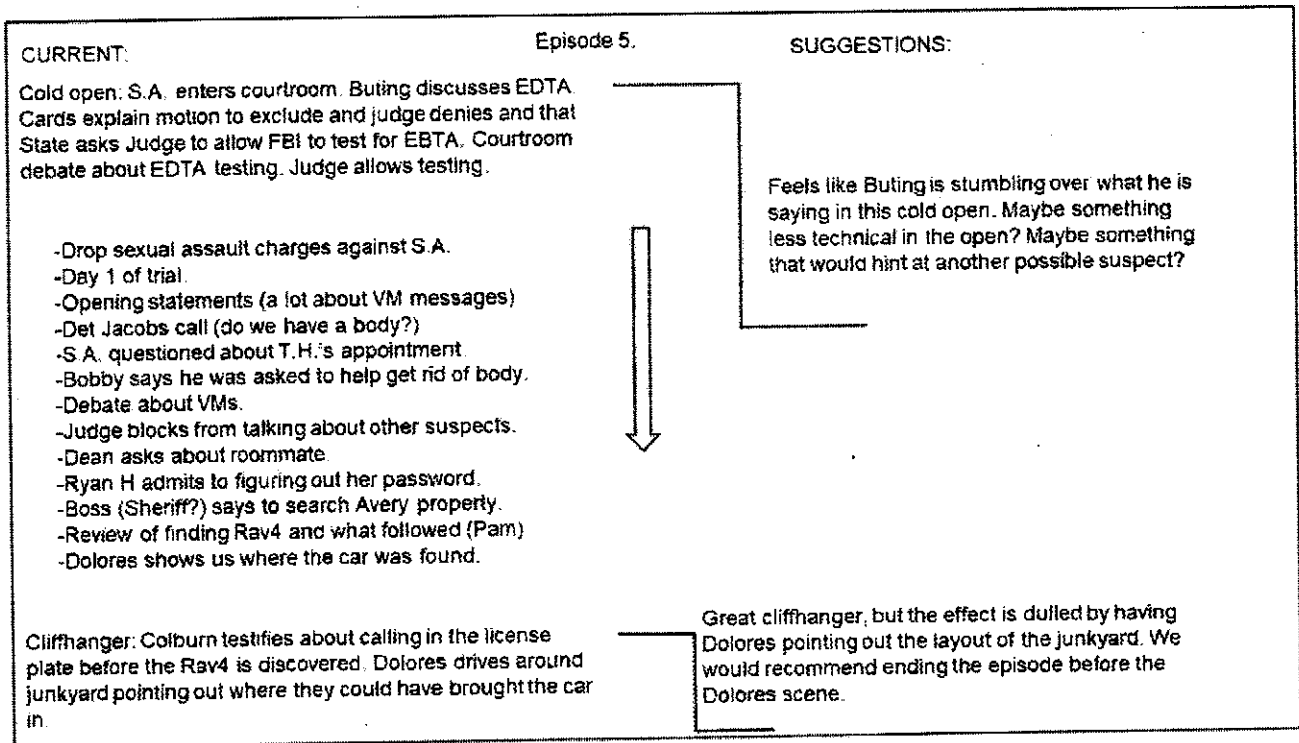
Cliffhanger: Blood vial is discovered to have been tampered with.

13

Episode 4 - Detail (1hr20min)

- 21:25 - Can the card identifying O'Kelly make it more clear that this guy is supposed to be helping Brendan? Would it also be out of the question to bring in the Innocence Project from Ep10 here to really explain why this was so egregious?
- 38:34 - The fact that media affects the jury is important could probably more concise - we get it. Might also be too much news coverage of whether framing is possible or not. It sets up the "We could just kill him" quote, but probably could be set up with just one or two quick clips.
- 42:00 - The death penalty conversation takes up a lot of oxygen. Is there any way to streamline it or lose it altogether? We already get so much about the jury being influenced by the media/culture. Almost five minutes is a big chunk when this episode is currently at 1hr20min
- - Dolores driving around the junkyard and the aerial atmospherics could all be tightened a lot. This four minute segment should probably be 30-40 seconds.
- - Pete talking about Manitowoc causing rape and they were most definitely biased to be investigating this case. It feels like this has been covered elsewhere?
- - This major dramatic moment of the tampered with vial being discovered could really have more impact with the right score.

14



15

Episode 5 - Detail (1hr10min)

- 15:00 - Lots of b-roll of people entering the courtroom. Opening statements are somewhat unruly. Everything they say is interesting, but most of this is covered really well in other sections. It might be more impactful to hit one or two points on each side that really summarize the spirit of what is happening. It seems like the voicemail
- 19:45 - Buting really rambles in this section - we could probably massage this into a much more succinct summary of what to expect in the trial. (three minutes and then straight into their opening statement which reiterates many of the same points)
- 23:00 - Defense Opening statement has the same issue as the prosecution's. Together the opening statements take up the majority of the first 30 minutes.
- 30:40 - Shows S.A. being interrogated about making the appointment in Barbara's name. This occupies a large part of the opening statement also - is there a more efficient way to get through the fact that the prosecution was trying to make it look like he was hiding his own name while the defense says he has a valid reason. This also seems like a minor part of the evidence base and it is hard to illustrate what exactly they mean, so it may be worth trimming this debate out.
- 36:30 - Bobby Dassey's testimony about Steven asking to hide the body - this could really be clarified by a graphic so that it is clear why it is so important to know whether this happened on the 3rd or on the 10th. And why the prosecution acted so improperly.
- They mention that T.H. had been receiving harassing phone calls, but they never identify you the harassing caller was. Surely they had the phone records ...can we explain who it was or why they couldn't identify that person if that is the case?

16

Episode 5 – Detail Cont.

- 41:00 - The debate about TH's voicemail inbox being full and how we know that some were deleted and who had access to the voicemails could all really benefit and be laid out more efficiently with a graphic - probably can replace the actual phone records which don't really convey any information. (this is currently a 7 ½ minute section, plus it circles back again with the ex-boyfriend's testimony)
- 56:30 - In the Weigart call, he references the "boss" called - is there a way to get across who exactly the boss is?
- - We don't really need the interrogation of S.A. about how the truck could have gotten in or the footage of Dolores showing us the area. It really kills the effect of the Colburn license plates bomb.

17

CURRENT:**Episode 6.****SUGGESTIONS:**

Cold open: Card says one day after Brendan's arrest there is a press conf. Kratz describes how S.A. instructed Brendan to cut T.H.'s throat. Police search residence and garage for new evidence. Kratz claims physical evidence now makes sense.

- Strang & Buting disc. poisoned jury pool.
- Bullet found in garage - Lenk was present.
- No T.H. DNA found in trailer or garage.
- Bobby only thing placing her inside.
- Skull fragments.
- Evidence montage
- Sherry: blood on bullet matches despite botching
- Defense tried to have labwork monitored, denied.
- Everyone reiterates there would have been blood
- Bones and barrels conversations.
- Coroner dismissed.
- Family check-in. TV might influence jury.
- Bloody hair in trunk.
- Timeline debate (Bobby D. bus driver, Scott T.)



The timeline conversation is important, but also confusing and might not be the best hook to end the episode on. Would it be worth hinting that there is evidence that Lenk (or the cops in general) planted the evidence so that is tee'd up for Ep7?

Cliffhanger: School bus driver has a different timeline than Bobby. Lawyers explain the timelines don't match up.

18

Episode 6 - Detail (1hr5min)

- 08:58 - Strang rambles for too long about the fact that there was no reason or need for Manitowoc county to be present. Some of the audio could lap over the b-roll of Allan entering the courthouse which seems to also be too long.
- 17:30 - Kratz' press conf about there being a homicide with gunshot to the head seems unnecessary. Doesn't give any new information.
- 18:10 - Montage of video evidence also seems to be floating without any connection to the testimony from Sherry - maybe it could be tightened by pre-lapping her audio "can you identify this exhibit in front of you... it is a lead bullet fragment." This might give the video evidence context and also tighten all of this courtroom evidence.
- 20:50 - Not sure what the source material you are cutting around is, but it feels like the timing of cutting to Buting's reaction to Sherry's testimony "i believe my DNA was introduced to the sample when I was talking" line could be timed for more of a comedic effect.
- 21:12 - Everything in the prosecution's press conference is just reiterating what was said in court and the reporter jumbles the question - it hurts the momentum. Buting says what happened much more succinctly, but again the reporter's question isn't important. What is important is Strang/Buting saying that this is why we asked to be present (almost three minutes of press conf).
- 24:42 - Excessive b-roll around the courthouse.

19

Episode 6 – Detail Cont.

- 29:55 - This press conf could be trimmed down - in general we keep going back and forth between courtroom testimony and press conferences - they really need to be surgical in terms of explaining only things that need to be explained or giving new information. Even just having something like the reporter asking "do you really think that plays well with the jury?" give some context to how the outside world is interpreting the events, but anything that is redundant should be trimmed down or at least lightened a lot. Same with Strang/Buting explaining things such as Buting here who doesn't make a very clear point.
- 32:29 - In this stretch Buting, Steven, Allan, Strang and Pete each say essentially the same thing "there would have been blood" - this is repetitive. (this along with Sherry confirming that there was no blood and the subsequent press conf together add up to 6 1/2 minutes)
- 39:55 - Could we use graphics to clarify and streamline the bone / burn pit analysis? (over 11 minutes)
- 45:35 - The side story of the coroner is interesting, but it might be something we could take out for the overall betterment of the episode. She is thrown out so quickly and we never get to hear from the county why she wasn't assigned the case and since she didn't investigate the case makes wonder why we would hear her testimony...as the other county's investigators and prosecutors were used, it almost makes sense that the Manitowoc Coroner wouldn't be used.
- 51:23 - We've already heard about the Avery Bill, so do we really need Allan talking about it again (or them going to prison to visit again)?

20

Episode 6 – Detail Cont.

- 52:49 - Do we really need Buting/Strang talking about the jury being influenced by the press? It seems like this is pretty clear from everything we've already seen. With so much trial to get through, this seems like another road bump.
- 55:50 - Scott, Bobby and the school bus driver testifying about the timeline runs very long and isn't entirely clear. Could a graphic help lay out exactly why this is important and allow us to get through their testimony more quickly. (this is almost 10 minutes)

21

CURRENT:**Episode 7.****SUGGESTIONS:**

Cold open: B-roll of police cars - "FBI is going to assist in investigation...Manitowoc provided resources. That is their only role." Allan says "They had Stevie picked. They set him up. They weren't even supposed to be investigating."

- Debate abt Manitowoc PD being at crime scene.
- Buting & Strang point to Lenk as framing.
- Press conferences re police reputations.
- More testimony on Colburn conflict & press conf
- Buting est. that EDTA test is bogus.
- Log shows Lenk didn't sign in - he denies framing
- Call with Dolores (family check-in).
- Judge rules EDTA admissible. Press conf abt.
- S.A. call saying they are trying to keep him in.
- Direct FBI testimony, pressconf, cross, pressconf
- S.A. decides not to testify, pressconf.
- Motion to dismiss false imprisonment.

Lots of really interesting mini-bombshells in this episode. Nothing that has significant impact on shifting our view of whether anyone is guilty or not. Would it make sense to really tighten this and bring in some of the revelations from Episode 8 to this episode and then end Episode 7 pre-verdict?

We should discuss Ep 7-10 and what the best benchmarks are for where each episode ends. Is four episodes best or would three be more effective?

Cliffhanger: Dean explains to S.A.'s parents that good news is that 3 charges have been dropped, bad news is that murder charge is all that matters

22

Episode 7 - Detail

- 17:05 - Norm says his blood boils - this reaction is so great we probably don't need Buting adding on to it.
- 18:53 - Pete explaining is totally unnecessary. The facts are laid out so well we don't need him to be the peanut gallery. Everything he says is explicitly laid out and we have to trust that the audience is sophisticated enough regardless.
- 25:04 - Do we need this much of Strang's questioning of Colburn (4 1/4 minutes)? (especially since we already had his testimony about calling in the license plate and we've spent a lot of time covering the 1995 phone call already)
- 33:59 - possible to get to the bottom of the Log more efficiently? As the trial goes on there should be less need for establishing shots and exposition that has already been covered, so each bit of evidence that is debated should be at a quicker pace.
- 39:45 - There is one minute of montage/b-roll here that really bogs it down.
- 41:35 - Lenk's testimony is really long. Graphic to demonstrate the scope of the Lenk coincidences?
- 46:20 - Do we need Lynn's testimony to establish that the Sheriff's dept had access to the evidence?
- 49:49 - Possible to tighten Buting talking about the EDTA test expert? Who is Janine and why do we need to hear that part of the conversation?

23

Episode 7 – Detail Cont.

- 53:13 - Do we need these press conferences? There isn't any new information. Could go straight to S.A. saying "They are doing their damndest to keep me in here"
- 58:57 - Do we need prosecution's press conf about the EDTA testimony?
- - Do we need Strang's press conf about the EDTA testimony?
- - Cut parking lot b-roll?

24

CURRENT:

Episode 8-9.

SUGGESTIONS:

Cold open: Allan walking around barn looking for Steven's name on the floor. Dean talks about the fact that S.A. never committed these crimes: "What you can hope to get is your liberty back, eventually."

Allan walking around the barn doesn't really grab attention. The quote is strong, but perhaps this could tease to something that will happen in this episode, such as the fact that a juror was excused and S.A. gets to decide whether to call a mistrial or not.

- Closing arguments.
- Buting, Dean say he was framed.
- Kratz says shouldn't matter if key was planted!
- Judge gives instructions to jury.
- News reports. Dolores talks to S.A. (b-roll)
- Jury leaves for night. Juror is replaced.
- B-roll with S.A. talking. Dolores calls him.
- Jury deliberates late. Buting/Dean look at press.
- Family warned about blowback.
- Verdict.
- Dean/Buting sad, believe killer is on the loose.
- Colburn makes statement.
- Scott T: He had it coming.
- Buting says 7 votes for innocent at start.
- Excused Juror feels terrible.

One quote that would make a powerful opener for this would be Strang saying "WHAT WOULD a case look like if someone were being framed? I would suggest a hypothesis that someone burned her body and dumped it in Avery's yard..." (08:00-10:00)

WHERE ARE THE BREAKS? EP 7, 8, 9, 10

25

Cold open:

- Brendan's trial in 2 weeks. New lawyers discuss.
- Kratz opening statement.
- Mark opening statement.
- Play BD's first statement.
- Lots of discussion of his coercion.
- Only play first half of his confession.
- Debate about interrogation tactics.
- Kayla's retraction. TH brother talks to press.
- Brendan testifies. His father comments.
- Tape of his call to mom, he says he made it up.
- Mike Halbach talks to press.
- Closing arguments. Judge reads jury instructions
- Judge reads verdict. Mom freaks out.
- Buting/Pete/Dean comment.
- Mike Halbach talks to press.



Keep more of this in Ep8?

Move more of this to 10 so that we have more payoff in terms of Brendan rather than just analysis?

Cliffhanger: Judge reads statement for Brendan and how dangerous he is. Dean comments: "Tragic lack of humanity."
Buting: [Could happen to any of us.]

26

Episode 8-9 - Detail

- 14:00 - the line from Kratz' closing argument "it shouldn't matter whether or not that key was planted" is a bit of a bombshell, but it get buried in this cut.
- 18:14 - Buting's commentary seems unnecessary as does the news reporter.
- 22:37 - News guy says that the option was up to Steven whether to accept the alternate juror. Could we highlight this by explaining in more detail? Could Steven have opted for a mistrial??
- 45:26 - We've seen so much of Brendan's statements and confessions that we maybe don't need all of the audio statement that is played in this hearing and probably don't need the explanation of his demeanor because we know it so well at this point. The important part and new information is that they only play part of his confession which starts about 6 mins later when Weigart set it up (although his setup is really bulky also).
- 56:10 - Mark talking about police being trained to elicit confessions isn't necessary - Richard (the excused juror just said it a couple minutes earlier and it is more interesting to hear his thoughts than the lawyer's.
- 58:40 - The testimony/questioning about the interrogation techniques goes on too long - we've really have no doubt at this point.
- - There is a lot of very powerful testimony from Brendan - how much of it/what parts of it are the most essential? (15 minutes)

27

Slide 25

- 2 I believe they were saying that Steven could decide proceed to with one less juror, or else ask for an additional juror to be added at this point.
Lisa Nishimura, 10/25/2021

28

Episode 8-9 – Detail Cont.

- – 45 second of night b-roll maybe too much even for showing the passage of time during the deliberation
- – Do we need a card explaining the verdict since the judge just read them?
- – Strang's comments here don't feel vital
- – Can we make it clear who the judges are and which cases they have handled before? (Allan makes this point later, but it gets a bit lost because he isn't very specific).

29

Slide 26

- 3 I believe they were saying that Steven could decide proceed to with one less juror, or else ask for an additional juror to be added at this point.
Lisa Nishimura, 10/25/2021

30

CURRENT:**Episode 10****SUGGESTIONS:**

Cold open: Kratz press statement: [Happy S.A. won't be on the streets ever again.]

- Community is happy. Family is destroyed.
- Sandy story.
- B.D. appeal for new trial. Focus on Len/O'Kelley
- More about call to mom being orchestrated.
- Judge denies Steven's motion.
- Kratz scandal.
- Judge Fox denies request for new trial.
- Higher courts refuse to review both cases.
- Sandy talks about his mental state.
- Round table with lawyers comparing to rape case
- S.A. starts preparing his own case.
- Pete recaps the evidence, has other suspects.
- Northwestern students discuss Brendan's case.
- Wisc Supreme Ct turns down Brendan's case.
- Federal suits filed.
- Allan driving around garden. S.A. talks.
- New Lawyer (Tom) - case on eavesdropping.
- Moved to Waupun.

Potentially move in a bigger reveal to Ep10. The denying of new trials doesn't have enough punch in and of itself.

All of this analysis is great, but is mostly re-capping things we already know. Would it make sense to focus the final episode on the characters and the harm this has done to them rather than the wider social implications? Would maybe leave it with more of an emotional impact - especially the fact that Steven was preparing his own case and that Brendan is completely helpless.

Cliffhanger: Sandy visits S.A. who says in V.O. "They think I'll stop...The truth always comes out."

Slide 27

- 1 Do we have a suggestion of a bigger cold open reveal for 10?
Lisa Nishimura, 10/25/2021

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Episode 10 - Detail (1hr30min)

The majority of comments on behalf of Ep10 depend on the overall structure, however the following elements feel like they can be removed to support better pacing and the continuous evolution of new information to the viewer:

11:00 - Lots of b-roll of entering and exiting the court.

15:00 - Steve talking about getting the state to record videotaping doesn't seem important.

- Pete recaps all of the evidence (8 minutes), but it is all info we already know.

- The class about Brendan's confession doesn't feel necessary - it would make more sense to include this info when this is being evaluated in the investigation or in the trial.

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GFX List

- Improve map for Steven's alibi for the rape of Penny B. (Ep1)
- Law enforcement org chart to help keep clear who everyone is throughout (1-10)
- Org chart of various courts/Judges - especially when we get repeat judges (1-10)
- Number of times the Avery property is searched & over what duration
 - when the key is discovered (search #6?)
- Len/O'Kelley/Investigators (explaining the coercion of Brendan) (4)
- Lenk's mysterious involvement every step of the way. (4)
- Teresa Halbach Voicemail details (5)
- Timelines (Colburn License Plate Phone call - 5, Bobby v Busdriver - 6, Police Log at Crime Scene - 7)
- Bones/Burn barrels (6)
- Do we add a GFX of all leads not pursued by Manitowoc or Calumet? (TH roommate, Ryan H, Bobby Dassey, Scott TY?)

34

GFX List Cont.

- Contradictory State arguments (how can Teresa have been killed in bedroom & garage)?
- Graphic of salvage yard and estimate size and # of cars and probability of finding TH's Rav 4 in less than 20 minutes.
- Brendan flip flopping statements & dates ?
- Chart out the appeals (9-10)
- Perhaps there is one master graphic that could contain both law enforcement, judges and all of the various lawyers

35

Music Beats

The role of music throughout the series is vital and will play a primary role in helping guide viewers through this rich and complex narrative. Below are a few proposed areas to review and we look forward to discussing further once the overall episode structure is solidified.

- Overall: the lulling guitar hurts the tone. The music should put everyone on the edge of their seat.
- Can we work to establish a subtle but impactful 'theme' track for the baddies, e.g. Lenk, Petersen, Kratz and certainly for Len Kachinsky & Michael O'Kelly to help clearly support that despite their appointed roles to protect Brendan – they are doing him great harm.
- Similarly, there have been moments of hope & promise introduced throughout, e.g.: when Steven secures Buting and Strang on his case, when the Innocence Project / Steve Drizin and team enter Brendan's life – can we work to utilize music to subconsciously and organically support the emotional connection and hope.
- Enhance emotions of Steven's release (Ep1)
- Music is slow when he meets his first girlfriend (and then wife).
- Music could drive the magnitude of the moment that S.A. is first convicted. (Ep1)
- Create the shock of Steven being connected with Teresa's disappearance. (Ep2)

36

Music Beats Cont.

- Sheriff Petersen suggesting that it's easier to kill SA than frame him on the news is absolute madness, should be emphasized (Ep4)
- Major twist when the tampered blood vial is discovered. (Ep4)
- All of the verdicts should be very suspenseful and use music to enhance.
- Enhance shock of Colburn escorting Brendan out when his verdict is read (Ep8-9)
- Michael O'Kelly's testimony is shocking. Music might underscore this to great effect and highlight the importance of his conflict of interest (Ep10)

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Overall Notes

- As we refine, let's be very judicious about ensuring that every scene serves to evolve the key narratives and character development in a novel way. Currently there is a relatively high level of repetition throughout the episodes. Rather than repeat key points for impact, let's make their initial introduction impossible to forget via pacing, music and graphics.
- A large amount of the series is built on S.A.'s narrative based on his phone calls to and from prison. To ground this, perhaps there's a defining visual representation of him talking on the phone (recreated or otherwise) that could be used throughout. (for example: a diverse group of tight to medium shots of him picking up the phone, putting it down, shots from behind, tapping foot, scratching skin etc.)
- Discuss the overall use of drone footage and b-roll. As it stands, while it makes the series feel cinematic and have bigger scope, currently, the use still feels somewhat arbitrary and could be used to have greater strategic effect either to illustrate literally what is happening within scenes or it could be used to create an emotional/atmospheric arc rather than repetitive.
- Consistency in subtitles/lower third in a way that clearly distinguishes the different individuals when we are bouncing between different V.O.

Appendix - Current Overall Structure

Episode:

1. S.A. Background, Arrest and Rape Conviction
2. S.A. Civil Suit, Disappearance of T.H., Charges against S.A.
3. Building the case against S.A., Settles Civil Suit, Brendan is arrested
4. Analysis of Evidence, Brendan is coerced, Evidence was tampered.
5. Trial begins.
6. All trial.
7. All trial.
- 8/9. End of trial. Verdict. Brendan's trial.
10. State of family. Sandy introduction. S.A. and Brendan appeal. Innocence project analysis. Brendan's hearing for new trial. Round table with lawyers. S.A. trains himself to appeal himself and family visits. Pete reviews. Students discuss. Status of new appeal.

From: Lisa Nishimura [REDACTED]
Sent: Thursday, July 16, 2015 7:53:18 PM
To: Moira Demos [REDACTED]; Laura Ricciardi [REDACTED]; Mary Manhardt [REDACTED]; Lisa [REDACTED]
Cc: Adam Del Deo [REDACTED]; Benjamin Cotner [REDACTED]; Zana Lawrence [REDACTED]
Subject: Making A Murderer: updated series notes (goals & ep8-10) + ep1 music notes
Attachments: MakingAMurderer_SeriesNotes_07.16.2015.pptx; MusicNotes_Ep1_07.16.2015.xlsx

Moira, Laura, Mary & Lisa,

Hello - hope this finds you all very well! Thank you again for taking the time to meet with us. We found the time together to be incredibly helpful and productive.

As discussed, attached please find our updated series notes. You will find an updated Goals sheet as well as updated notes for episodes: 8, 9, 10.

The graphics page has also been updated slightly.

Kindly review and please let us know if you have any questions.

With respect to music, attached please find our detailed thoughts for episode 1. We look forward to discussing and if we're in agreement would like to utilize this tone as a template for the full series.

We responded under separate cover with very light comments on the title treatment which is looking really great! Looking forward to speaking tomorrow at 11am.

Best,
Lisa, Adam & Ben

40

Confidential

NFXCOL0002013

Making a Murderer

07.16.2015 Update:

GOAL:

Given the limited amount of time remaining, we want to ensure that we're aligned on the following key areas going forward. Most importantly we should engage additional supports quickly where appropriate, to ensure you are supported and fully resourced to deliver the award-worthy series we know this can be.

GRAPHICS: Per our meeting, we would like to explore the idea of bringing Elastic on to help refine existing graphics (eg. ep1 Sandy Morris graphic, SA alibi graphic) as well as to assist with additional timeline graphics throughout eps 1 - 10, which we believe will be extremely helpful in progressing the narrative in an impactful and efficient way. See GFX page for specifics. This would be in addition to Steven (as introduced by Ben) or someone of equal caliber who could execute for you.

MUSIC: We have provided detailed feedback on music cues for episode one which we hope can act as a guiding template for the full series.

SOUND DESIGN: please advise when we will see an episode that reflects your vision of full sound design. There is ample opportunity with such an emotionally captivating series to really engage on this front.

EDITING: we really want to see Moira and Laura directing as much as possible and again present the offer to bring on another set of hands to execute and refine while you focus on overall structure and creative vision.

42

Status:

1. The series is amazing. It is a major accomplishment to lay out such a complex case in such a clear and suspenseful way.
2. Poses some challenges in getting the audience buy-in for such a long view that at times gets very granular. Our goal is to protect the deep dive while being accessible, user friendly and impactful.

Goals:

1. Identify final overall series structure which supports the most impactful, compelling and revelatory storytelling, including:
 - a) number of episodes (9-10?).
 - b) length of episodes (recommending 50 minute target, no greater than 60)
 - c) best opens and closes (see specific notes in Structural Breakdown).
 - d) red herrings.
1. Music and gfx aren't being utilized effectively yet for the next pass we should take it to the next level and bring in reinforcements for the areas that aren't yet getting there.
2. With final overall episode structure in place, tighten each episode to most effective cut (see detailed notes).
3. Eliminate the storylines that aren't serving the greater good.

43

CURRENT:**Episode 1.****SUGGESTIONS:**

Cold open: S.A. gets out of prison. Background that he was wrongfully imprisoned for 18 years. Cousin says: "Be careful...They aren't even close to being finished with you."

- S.A. files civil rights suit against Sheriff and DA.
- Jump back to Sandra deposition.
- S.A. background.
- Dispute with Sandra, S.A. charged with felony.
- Penny B is attacked.
- Police mishandle and Penny points to S.A.
- S.A. arrested, Sheriff keeps him from lawyer.
- Background on S.A.'s alibi.
- Information about Gregory Allen.
- S.A. found guilty.
- Hard on family. Parents stick by him. Lori leaves.
- New evidence - fingernails not enough.
- Pubic hair found. Matches Gregory Allen.
- Evidence of police misconduct.
- S.A. back to normal life, meets Jodi.

Cliffhanger: S.A. is released: "Don't bring a lawsuit against Sheriff's department in a community where you still live or you could get charged with murder."



There should be a more explicit ending that makes it clear that in the next episode the cops are going to seek revenge. We should have a really tight Episode 1 with a strong cliffhanger that immediately engages the audience to come back for Episode 2. Currently, the suggestion that they might charge him with murder is very subtle and the audience might think everything is resolved. This line is impossible to understand without any context. (also could consider ending with the cliffhanger of whether or not the DNA matches S.A., this would be the ultimate pull-back for watching Ep2 but would mean changing the cold-open)

44

Episode 1 - Detail (1hr 9min)

- 1:45 - we end the cold open with Steven's cousin saying, "Manitowoc County is not done with you, they're not even close to being finished with you". The viewer has yet to get their bearings - we should explore adding graphical treatment to these powerful words going into the title treatment. The viewer doesn't know what Manitowoc is at this point.
- 21:00 - Emphasize the relationship between Sheriff Kocourek's wife and Penny B so that we establish a motive for him to interfere in the investigation.
- 31:47 - The fact that the police had been following Gregory Allen is established (somewhat out of the blue) during the investigation. This set-up seems to undermine the revelation later, when his DNA is matched, that the police had been following him and hid this information. It could be more shocking to reveal later in the episode who Gregory Allen was and how evidence of his presence was known by the Sheriff's dept.
- 37:15 & 40:55 - There are two chunks that both talk about the parents sticking by him. This is something we return to several times through the series, so we should just be judicious about which of these is the most effective and sufficient.
- 41:50 - The explanation of the appeals system might be unnecessary - we should probably assume the audience has a basic understanding of this.
- 45:30 - Stephen Glynn talks for a while about how the decision shows how much the system is weighted against the presumption of innocence, but we never see the decision for ourselves - is there a way to pull out a representative quote from that decision that could be shown while he is talking? He also talks about how S.A. pays a heavy price for not caving under pressure, but this is already really clear.
- 51:00 - The exoneration of Steven should be a much more emotional turn of events. After 18 years it should be heartbreaking that he is finally out. Music and edits should build-up and pay-off in a much bigger way.
- - Public Integrity Bureau investigation report goes into a lot of detail and might be hurting the momentum of the episode's conclusion (over 4 minutes).

45

CURRENT:

Episode 2.

SUGGESTIONS:

Cold open: Homevideo of T.H.

- S.A. files \$36m lawsuit against Manitowoc.
- Civil suit trial.
- Police sketch mishandled.
- Legislature about to pay his \$450k.
- Colburn received phone call in 1995, no report.
- More testimony.
- City will be on the hook for damages.
- Teresa Halbach goes missing.
- Search party - they find the Rav4.
- Cop asks if they have S.A. in custody yet.
- Calumet County takes over the investigation.
- Police search S.A.'s house.
- Manitowoc only used for support resources.
- Key found.
- S.A. is questioned and arrested.
- Keep S.A. away from lawyer. Lie about location.
- Kratz says the evidence hasn't been tainted.

Cliffhanger: S.A. DNA on the key and in the blood.
S.A. in handcuffs entering courtroom.

The cold open of T.H. is very confusing and too far ahead of her disappearance to make the connection. Perhaps open with the image of the article saying that S.A. is suing the law enforcement agencies and Walter Kelly (Ep2 - 3:19) explains everything up until he says that it is for \$36m. And it would save the TH video to use later to greater effect during the trial (eg around Ryan's testimony).

The police sketch and Judy Dvorak scenes are explained in such detail in Episode 1 that it is less of a bombshell here. Would it make more sense to hold the reveals for this Episode?

The testimony about this phone call and report (which we touch on several times throughout the series) is confusing as it relates to who within law enforcement knows what/when - could a graphic help chart the related events and make it less necessary to keep repeating the story?

Potentially add Allan's quote from the top of Ep3 saying "They framed an innocent man just like they did 20 years ago" to the cliffhanger here.

46

Episode 2 - Detail

- 5:55 - What Walter Kelly is saying about the AG's report is very interesting, but he is very slow and unclear in his diction - probably it ultimately isn't necessary. It could even be as simple as saying "they felt like they were talking law enforcement to law enforcement so were fairly candid."
- 14:00 - The phone call that Colburn receives and the subsequent flow of information to other figures in the Sheriff's department is something we keep going back to throughout the series. It would really help to create a graphic that can be built on throughout the series as new information is added to this topic. It would really help keep clear what the connections are and highlight when new information is revealed. It could also help minimize the amount of time we need to spend explaining it multiple times.
- Also, is there any record that Gregory Allen was in the Brown County prison when they made the phone call to Colburn? Maybe add his mugshot from that prison to the graphic as well, to drive home the fact that they are letting a known rapist go free while Steven rots in prison.
- 17:30 - There is probably more testimony of the police that we need at this point regarding the phone call.
- 22:50 - This Michael Grierbach testimony doesn't really seem necessary.
- 24:00 - Who is the person who is circled in the courtroom clip?
- 25:00 - Not sure what the montage of courtroom exteriors and testimony clips is doing here. (55 seconds for just a short VO) - and this conversation about the impact on the city is somewhat redundant - it could probably be tightened.

47

Episode 2 - Detail (cont.)

- 27:20 - Stephen Glynn gives a very wordy and dry reveal that Teresa Halbach is missing. There should be a bit of a tonal shift and dramatic tire-scarech when the bombshell is dropped that someone is connecting S.A. to a murder. He says it in an almost incidental way. Are there other options? News clips? Make this a visceral experience that a woman is missing and people are searching for her and the world is closing in on Steven.
- 32:30 - Search party lasts for almost 2 minutes. Maybe it could be cut down by 1 minute and have Mike Halbach's interview as partially VO instead of on screen the whole time.
- 42:40 - Not sure if we need the search party again since the car has already been found. It is clear that they are still looking for the body, but the focus now has shifted to the Avery property and since the search party isn't involved in that we could probably cut this entire minute out and get straight to finding the body and key.
- 45:00 - There should be more of a creepy, suspenseful tone when the bones and teeth are shown.
- End - Use lower-thirds to ID the cops that are questioning S.A.

48

CURRENT:**Episode 3.****SUGGESTIONS:**

Cold open: S.A. denies and gets handcuffed in interrogation room. Allan Avery saying they are taking an innocent man and making him guilty just like 20 yrs ago.

- Start of pre-trial.
- Key wasn't there when they first searched.
- Court finds probable cause.
- Gov signs Avery reform. Discuss changing name.
- Media repaints S.A. a monster. Town reacts.
- Family gets hate letters.
- Judge sets bail high.
- Family visits.
- S.A. settles lawsuit to get money for defense.
- Halbach family files lawsuit to tie up money.
- Buting and Strang join - talk about police framing.
- Brendan is detained.
- Kratz details Brendan's version of crime.
- Jodi out, Chuck reacts, Allan says family torn.
- Brendan coerced and charged.

Cliffhanger: Brendan's mom says that if he testifies against S.A. he gets 20+ years with parole, but if he doesn't he could get life with no parole.

Since Ep2 ends with him shackled going into courthouse, is it necessary to have him handcuffed here? Other ideas would be to start with teasing the fact that the key wasn't there the first several times they searched the room or start with the media turning on S.A. - making him into a monster.

This is a great cliffhanger, but should drive harder on the fact that B.D. might testify against S.A. and is essentially being blackmailed to do this.

49

Episode 3 - Detail

- Opening - Use lower-thirds to ID the cops that are questioning S.A.
- 08:44 - Coverage of the Governor signing the Avery Reform Bill (and the state senator discussing) is definitely interesting, but it is a bit granular and might not move the story forward at all. This might not be information that the audience need and could save us almost two minutes.
- 13:55 - Chuck playing pool could be trimmed. The local woman and man giving the community perspective is good, but could stand on its own. This five minute chunk (including Steven's phone calls and Chuck in the junkyard) could be delivered in a few quick soundbites contrasted with the media coverage of Steven as a monster to show that there is a division of opinion between the establishment and the poor community. Could be really driven home if capped with Steven's quote (18:40) "Poor people lose".
- 19:19 - Do we need the scene of them visiting him in prison? We already get that the family is standing behind him and don't see why he would do this.
- 25:15 - 28:15 - Bringing in Strang & Buting should be a glimmer of hope and feel somewhat triumphant - here are two great lawyers coming to his rescue, but this three minute segment doesn't capture that. This could really be tightened up and enhanced by a good music cue.
- 41:56 - Jodi gets out of jail...is there any way to quickly establish earlier on that she has been in jail through all of this?
- 47:28 - Allan complaining about the loss of business and Chuck saying that he doesn't think Steven is guilty are both somewhat repetitive from other scenes - maybe a tighter version, but it feels like it might be overkill.

50

CURRENT:**Episode 4.****SUGGESTIONS:**

Cold open: S.A. on phone over B-roll: "Brendan said all of this. I feel sorry for him...It'd probably make somebody look like a monster....Nothing good can come out of this."

- New atty (Len) for B.D. - he is terrible.
- Jodi finds phone calls w/S.A. on day of murder.
- Eval. of blood and key DNA, evidence from car.
- Try to throw out B.D.'s confession.
- Len/O'Kelley push B.D. to confess.
- B.D. meets with police then calls mom.
- Police say easier to kill S.A.
- State tries to change death penalty, trial delayed.
- Jodi ordered not to see S.A.
- Family tries to get B.D. a new lawyer - denied.
- Judge tells Len to withdraw.
- Family check in.
- Recap of Penny B set-up.
- Lenk.

It's tough to understand in a cold open what S.A. is talking about - there is too much distance between this call and the previous episode's material that gives it context. Would it be possible to tease something that is coming ahead rather than recap?

Maybe it would be better to bring some of the innocence project's explanations about why this was so egregious from Ep10. It would help clarify the fact that Michael O'Kelley is supposed to be working FOR B.D. and also deal with it in one place instead of multiple times. And ending on such deep analysis of the issue is somewhat anti-climatic. Splitting it up between this section and the hearing for the new trial would possibly be more efficient.

Cliffhanger: Blood vial is discovered to have been tampered with.

51

Episode 4 - Detail (1hr20min)

- 21:25 - Can the card identifying O'Kelly make it more clear that this guy is supposed to be helping Brendan? Would it also be out of the question to bring in the Innocence Project from Ep10 here to really explain why this was so egregious?
- 38:34 - The fact that media effects the jury is important could probably more concise - we get it. Might also be too much news coverage of whether framing is possible or not. It sets up the "We could just kill him" quote, but probably could be set up with just one or two quick clips.
- 42:00 - The death penalty conversation takes up a lot of oxygen. Is there any way to streamline it or lose it altogether? We already get so much about the jury being influenced by the media/culture. Almost five minutes is a big chunk when this episode is currently at 1hr20min
- - Dolores driving around the junkyard and the aerial atmospherics could all be tightened a lot. This four minute segment should probably be 30-40 seconds.
- - Pete talking about Manitowoc causing rape and they were most definitely biased to be investigating this case. It feels like this has been covered elsewhere?
- - This major dramatic moment of the tampered with vial being discovered could really have more impact with the right score.

52

CURRENT:

Episode 5.

SUGGESTIONS:

Cold open: S.A. enters courtroom. Buting discusses EDTA. Cards explain motion to exclude and judge denies and that State asks Judge to allow FBI to test for EBTA. Courtroom debate about EDTA testing. Judge allows testing.

- Drop sexual assault charges against S.A.
- Day 1 of trial.
- Opening statements (a lot about VM messages)
- Det Jacobs call (do we have a body?)
- S.A. questioned about T.H.'s appointment.
- Bobby says he was asked to help get rid of body.
- Debate about VMs.
- Judge blocks from talking about other suspects.
- Dean asks about roommate.
- Ryan H admits to figuring out her password.
- Boss (Sheriff?) says to search Avery property.
- Review of finding Rav4 and what followed (Pam)
- Dolores shows us where the car was found.

Cliffhanger: Colburn testifies about calling in the license plate before the Rav4 is discovered. Dolores drives around junkyard pointing out where they could have brought the car in.

Feels like Buting is stumbling over what he is saying in this cold open. Maybe something less technical in the open? Maybe something that would hint at another possible suspect?

Great cliffhanger, but the effect is dulled by having Dolores pointing out the layout of the junkyard. We would recommend ending the episode before the Dolores scene.

53

Episode 5 - Detail (1hr10min)

- 15:00 - Lots of b-roll of people entering the courtroom. Opening statements are somewhat unruly. Everything they say is interesting, but most of this is covered really well in other sections. It might be more impactful to hit one or two points on each side that really summarize the spirit of what is happening. It seems like the voicemail
- 19:45 - Buting really rambles in this section - we could probably massage this into a much more succinct summary of what to expect in the trial. (three minutes and then straight into their opening statement which reiterates many of the same points)
- 23:00 - Defense Opening statement has the same issue as the prosecution's. Together the opening statements take up the majority of the first 30 minutes.
- 30:40 - Shows S.A. being interrogated about making the appointment in Barbara's name. This occupies a large part of the opening statement also - is there a more efficient way to get through the fact that the prosecution was trying to make it look like he was hiding his own name while the defense says he has a valid reason. This also seems like a minor part of the evidence base and it is hard to illustrate what exactly they mean, so it may be worth trimming this debate out.
- 36:30 - Bobby Dassey's testimony about Steven asking to hide the body - this could really be clarified by a graphic so that it is clear why it is so important to know whether this happened on the 3rd or on the 10th. And why the prosecution acted so improperly.
- They mention that T.H. had been receiving harassing phone calls, but they never identify you the harassing caller was. Surely they had the phone records...can we explain who it was or why they couldn't identify that person if that is the case?

54

Episode 5 - Detail (cont.)

- 41:00 - The debate about TH's voicemail inbox being full and how we know that some were deleted and who had access to the voicemails could all really benefit and be laid out more efficiently with a graphic - probably can replace the actual phone records which don't really convey any information. (this is currently a 7 ½ minute section, plus it circles back again with the ex-boyfriend's testimony)
- 56:30 - In the Weigart call, he references the "boss" called - is there a way to get across who exactly the boss is?
- - We don't really need the interrogation of S.A. about how the truck could have gotten in or the footage of Dolores showing us the area. It really kills the effect of the Colburn license plates bomb.



CURRENT:**Episode 6.****SUGGESTIONS:**

Cold open: Card says one day after Brendan's arrest there is a press conf. Kratz describes how S.A. instructed Brendan to cut T.H.'s throat. Police search residence and garage for new evidence. Kratz claims physical evidence now makes sense.

- Strang & Buting disc. poisoned jury pool.
- Bullet found in garage - Lenk was present.
- No T.H. DNA found in trailer or garage.
- Bobby only thing placing her inside.
- Skull fragments.
- Evidence montage.
- Sherry: blood on bullet matches despite botching
- Defense tried to have labwork monitored, denied.
- Everyone reiterates there would have been blood
- Bones and barrels conversations.
- Coroner dismissed.
- Family check-in: TV might influence jury.
- Bloody hair in trunk.
- Timeline debate (Bobby D, bus driver, Scott T.)

Cliffhanger: School bus driver has a different timeline than Bobby. Lawyers explain the timelines don't match up.



The timeline conversation is important, but also confusing and might not be the best hook to end the episode on. Would it be worth hinting that there is evidence that Lenk (or the cops in general) planted the evidence so that is tee'd up for Ep7?

56

Episode 6 - Detail (1hr5min)

- 08:58 - Strang rambles for too long about the fact that there was no reason or need for Manitowoc county to be present. Some of the audio could lap over the b-roll of Allan entering the courthouse which seems to also be too long.
- 17:30 - Kratz' press conf about there being a homicide with gunshot to the head seems unnecessary. Doesn't give any new information.
- 18:10 - Montage of video evidence also seems to be floating without any connection to the testimony from Sherry - maybe it could be tightened by pre-lapping her audio "can you identify this exhibit in front of you...it is a lead bullet fragment." This might give the video evidence context and also tighten all of this courtroom evidence.
- 20:50 - Not sure what the source material you are cutting around is, but it feels like the timing of cutting to Buting's reaction to Sherry's testimony "I believe my DNA was introduced to the sample when I was talking" line could be timed for more of a comedic effect.
- 21:12 - Everything in the prosecution's press conference is just reiterating what was said in court and the reporter jumbles the question - it hurts the momentum. Buting says what happened much more succinctly, but again the reporter's question isn't important. What is important is Strang/Buting saying that this is why we asked to be present (almost three minutes of press conf).
- 24:42 - Excessive b-roll around the courthouse.

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Episode 6 - Detail (cont.)

- 29:55 - This press conf could be trimmed down - in general we keep going back and forth between courtroom testimony and press conferences - they really need to be surgical in terms of explaining only things that need to be explained or giving new information. Even just having something like the reporter asking "do you really think that plays well with the jury?" give some context to how the outside world is interpreting the events, but anything that is redundant should be trimmed down or at least tightened a lot. Same with Strang/Buting explaining things such as Buting here who doesn't make a very clear point.
- 32:29 - In this stretch Buting, Steven, Allan, Strang and Pete each say essentially the same thing "there would have been blood" - this is repetitive. (this along with Sherry confirming that there was no blood and the subsequent press conf together add up to 6 ½ minutes)
- 39:55 - Could we use graphics to clarify and streamline the bone / burn pit analysis? (over 11 minutes)
- 45:35 - The side story of the coroner is interesting, but it might be something we could take out for the overall betterment of the episode. She is thrown out so quickly and we never get to hear from the county why she wasn't assigned the case and since she didn't investigate the case makes wonder why we would hear her testimony...as the other county's investigators and prosecutors were used, it almost makes sense that the Manitowoc Coroner wouldn't be used.
- 51:23 - We've already heard about the Avery Bill, so do we really need Allan talking about it again (or them going to prison to visit again)?

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Episode 6 - Detail (cont. 2)

- 52:49 - Do we really need Buting/Strang talking about the jury being influenced by the press? It seems like this is pretty clear from everything we've already seen. With so much trial to get through, this seems like another road bump.
- 55:50 - Scott, Bobby and the school bus driver testifying about the timeline runs very long and isn't entirely clear. Could a graphic help lay out exactly why this is important and allow us to get through their testimony more quickly. (this is almost 10 minutes)

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CURRENT:**Episode 7.****SUGGESTIONS:**

Cold open: B-roll of police cars - "FBI is going to assist in investigation... Manitowoc provided resources. That is their only role." Allan says "They had Stevie picked. They set him up. They weren't even supposed to be investigating."

- Debate abt Manitowoc PD being at crime scene.
- Buting & Strang point to Lenk as framing.
- Press conferences re police reputations.
- More testimony on Colburn conflict & press conf
- Buting est. that EDTA test is bogus.
- Log shows Lenk didn't sign in - he denies framing
- Call with Dolores (family check-in).
- Judge rules EDTA admissible. Press conf abt.
- S.A. call saying they are trying to keep him in.
- Direct FBI testimony, pressconf, cross, pressconf
- S.A. decides not to testify, pressconf.
- Motion to dismiss false imprisonment.

Lots of really interesting mini-bombshells in this episode. Nothing that has significant impact on shifting our view of whether anyone is guilty or not. Would it make sense to really tighten this and bring in some of the revelations from Episode 8 to this episode and then end Episode 7 pre-verdict?

We should discuss Ep 7-10 and what the best benchmarks are for where each episode ends. Is four episodes best or would three be more effective?

Cliffhanger: Dean explains to S.A.'s parents that good news is that 3 charges have been dropped, bad news is that murder charge is all that matters.

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Episode 7 - Detail

- 17:05 - Norm says his blood boils - this reaction is so great we probably don't need Buting adding on to it.
- 18:53 - Pete explaining is totally unnecessary. The facts are laid out so well we don't need him to be the peanut gallery. Everything he says is explicitly laid out and we have to trust that the audience is sophisticated enough regardless.
- 25:04 - Do we need this much of Strang's questioning of Colburn (4 ½ minutes)? (especially since we already had his testimony about calling in the license plate and we've spent a lot of time covering the 1995 phone call already)
- 33:59 - possible to get to the bottom of the Log more efficiently? As the trial goes on there should be less need for establishing shots and exposition that has already been covered, so each bit of evidence that is debated should be at a quicker pace.
- 39:45 - There is one minute of montage/b-roll here that really bogs it down.
- 41:35 - Lenk's testimony is really long. Graphic to demonstrate the scope of the Lenk coincidences?
- 46:20 - Do we need Lynn's testimony to establish that the Sheriff's dept had access to the evidence?
- 49:49 - Possible to tighten Buting talking about the EDTA test expert? Who is Janine and why do we need to hear that part of the conversation?
- 53:13 - Do we need these press conferences? There isn't any new information. Could go straight to S.A. saying "They are doing their damndest to keep me in here"
- 58:57 - Do we need prosecution's press conf about the EDTA testimony?
- - Do we need Strang's press conf about the EDTA testimony?
- - Cut parking lot b-roll?

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CURRENT:**Episode 8 - 46min45sec****SUGGESTIONS:**

Cold open: Allan walking around barn looking for Steven's name on the floor. Dean talks about the fact that S.A. never committed these crimes: "What you can hope to get is your liberty back, eventually."

- Closing arguments.
- Buting, Dean say he was framed.
- Kratz says shouldn't matter if key was planted!
- Judge gives instructions to jury.
- News reports. Dolores talks to S.A. (b-roll)
- Jury leaves for night. Juror is replaced.
- B-roll with S.A. talking, Dolores calls him.
- Jury deliberates late. Buting/Dean look at press.
- Family warned about blowback.
- Verdict.
- Dean/Buting sad, believe killer is on the loose.
- Colburn makes statement.
- Scott T: He had it coming.
- Buting says 7 votes for innocent at start.
- Excused Juror feels terrible.
- Brendan's trial in 2 weeks. New lawyers discuss.

Allan walking around the barn doesn't really grab attention. The quote is strong, but perhaps this could tease to something that will happen in this episode, such as the fact that a juror was excused and S.A. gets to decide whether to call a mistrial or not.

One quote that would make a powerful opener for this would be Strang saying "WHAT WOULD a case look like if someone were being framed? I would suggest a hypothesis that someone burned her body and dumped it in Avery's yard..." (08:00-10:00)

New ending: Brendan is led into court and we hear his call with Barb.

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Episode 8 - Detail

- 04:30 - Buting and Strang's closing arguments are somewhat redundant and dividing them over the two days makes it drag. Could we intercut these?
- 08:30 - Judge makes statement about rebuttal - warns not to deliberate yet...is this necessary?
- 14:00 - the line from Kratz' closing argument "it shouldn't matter whether or not that key was planted" is a bit of a bombshell, but it get buried in this cut.
- 18:14 - Buting's commentary seems unnecessary as does the news reporter.
- 22:37 - News guy says that the option was up to Steven whether to accept the alternate juror. Could we highlight this by explaining in more detail? Could Steven have opted for a mistrial??
- 33:00 - There is a natural segway to Brendan's case when he is mentioned by Strang at the end of this press conference, but instead we detour to the family. For the sake of keeping the momentum of the trials going, it might be better to go straight into Brendan's case.

Also assuming that music spotting has yet to take place which will help dramatically to guide viewer response. eg:
25:00 - preceding the verdict when Dean meets with the family and essentially says to be careful for their safety in the event of a guilty verdict really hammers home the incendiary nature of the community sentiment. A big musical cue here would really drive home the stakes.

27:00 - the reading of Stevens verdict - no bigger moment in the episode. Really punctuate here. Good use of the diminishing audio of the Judge's ramblings beginning at ~28:00, where you almost feel like you're inside Steven's ringing head where he's unable to hear anything beyond the guilty verdict.

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Episode 8 - Detail (cont.)

32:45 - do you think there's a killer out there that the police have not caught - BIG musical opportunity, cut to cops or prosecution response as they wait on the side and punctuate with eerie music.

40:28 - Glynn: 'not a pretty tale for the criminal justice system' - punctuate!

42:00 - learning that Tom Fassbender is calling Scot Tadych to convince Barbara make Brendan take a plea - perfect moment for 'bad guy theme'.

46:00 - closing music underlying Brendan's entry to the courtroom and his phone conversation with Barb is over more prod rock type guitar music which doesn't quite fit the ominous and foreshadowing mood audiences should be awash with going into this trial.

as an example:

15:51 - music beat w/atmospheric keyboards preferred to the wide body guitar overall. The overall music feels a bit more prod rock; please explore a more atmospheric, creepy and suspenseful tone throughout.

We haven't done a complete episodic spot for music here, but hopefully the frame that we're providing for episode 1 will translate well throughout the series.

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Episode 9 (1hr3min)

SUGGESTIONS:

Cold open: Buting quote: the question is whether Brendan is going to confess to a murder he didn't commit.

- Kratz opening statement.
- Mark opening statement.
- Play BD's first statement.
- Lots of discussion of his coercion.
- Only play first half of his confession.
- Debate about interrogation tactics.
- Kayla's retraction. TH brother talks to press.
- Brendan testifies. His father comments.
- Tape of his call to mom, he says he made it up.
- Mike Halbach talks to press.
- Closing arguments. Judge reads jury instructions
- Judge reads verdict. Mom freaks out.
- Buting/Strang comment.
- Family comments on what they would say.
- Mike Halbach reads statement in SA sentencing.
- S.A. reads his own statement.



Tighten all of the testimony.

Move Brendan's verdict to 10 so that we have a strong reveal for episode 10?

Cliffhanger: Judge reads statement for Steven and how dangerous he is. Dean comments: "Tragic lack of humanity." Buting: [Could happen to any of us.]

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Episode 9 - Detail

4:00 - Do we need commentary here to hammer home the fact that Kratz just claimed she was murdered in the house when a few weeks ago he claimed that she was murdered in the garage? We go back to it later, but this is a really big moment when he is obviously lying and it would really help the audience to see that more explicitly.

6:45 - We've seen so much of Brendan's statements and confessions that we maybe don't need all of the audio statement that is played in this hearing and probably don't need the explanation of his demeanor because we know it so well at this point. The important part and new information is that they only play part of his confession which starts about 6 mins later when Weigart set it up (although his setup is really bulky also).

19:30 - Mark talking about police being trained to elicit confessions isn't necessary - Richard (the excused juror just said it a couple minutes earlier and it is more interesting to hear his thoughts than the lawyer's.

30:15 There is a lot of very powerful testimony from Brendan - how much of it/what parts of it are the most essential? (15 minutes)

33:00 - Timelines of Brendan getting home, getting phone call, etc laid out in GFX

50:50 - 45 seconds of night b-roll maybe too much even for showing the passage of time during the deliberation.

52:30 - Would it help to point out that Colburn is escorting him out with a lower-third?

56:20 - Do we really need a card explaining the verdict since the judge read them?

57:25 - Strang's comments here don't feel necessary.

- Need card or chyron that this is Steven's sentencing hearing so we know this isn't Brendan's trial anymore
- Can we make it clear who the judges are and which cases they have handled before? (Allan says this later, but it gets a bit lost because he isn't very specific)

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CURRENT:

Episode 10 (1hr8min)

SUGGESTIONS:

Cold open: Broll of empty house. Kratz press statement: [Happy S.A. won't be on the streets ever again.]

- Community is happy. Family is destroyed.
- Sandy story.
- B.D. appeal for new trial. Focus on Len/O'Kelley
- More about call to mom being orchestrated.
- Judge denies Steven's motion.
- Kratz scandal.
- Judge Fox denies request for new trial.
- Higher courts refuse to review both cases.
- Sandy talks about his mental state.
- Round table with lawyers comparing to rape case
- S.A. starts preparing his own case.
- Pete recaps the evidence, has other suspects.
- Northwestern students discuss Brendan's case.
- Wisc Supreme Ct turns down Brendan's case.
- Federal suits filed.
- Allan driving around garden. S.A. talks.
- New Lawyer (Tom) - case on eavesdropping.

~~Moved to Waupun~~
Climax: Sandy visits S.A. who says in V.O.
"They think I'll stop...The truth always comes out."

Potentially move in a bigger reveal to Ep10.
The denying of new trials doesn't have enough punch in and of itself.

As we discussed, focus Episode 10 on the characters - specifically Dean Strang's revelation that he has lost faith in the system if Steven isn't guilty and Steven's own attempt to save himself by studying the law. Take out the analysis where it veers too far from that story.

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Episode 10 - Detail

Based on the desire to keep a 10 episode structure, the following elements feel like they can be removed to support better pacing and the continuous evolution of new information for the viewer.

13:45 - Steve D talking about getting the state to record videotaping doesn't seem important.

16:30 - Len's testimony tighten more?

22:00 - It takes 13min30sec to connect the Michael O'Kelly testimony to the phone call between Brendan and his mom.

40:45 - Pete recaps all of the evidence (5 minutes), but it is all info we already know. Pete says he thinks he knows who they were, but he doesn't say so it doesn't pay off for the viewer.

45:15 - Robert Dvorak recaps what we already know.

50:30 - Meeting with 3 lawyers is more recap, no new info. Analysis is great, but within the context of the film - adding at the end feels tacked on. The part of Strang talking about questioning his faith in the legal system is great, so let's focus on key revelations.

58:45 - The cards, graphics and news footage feels bumpy when going from Brendan's Appeals Court and Supreme Court decisions.

- Sandy and parents' visit to Waupun is really long.

Also, to re-iterate, we would like to recommend moving Brendan's verdict to episode 10 out of 9 to ensure one major reveal in this final episode.

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GFX List

- Improve map for Steven's alibi for the rape of Penny B. (Ept)
- Add perm graphic for the Sandra Morris encounter (currently listed as temp)
- Law enforcement org chart to help keep clear who everyone is throughout (1-10)
- Org chart of various courts/Judges - especially when we get repeat judges (1-10)
- Number of times the Avery property is searched & over what duration
 - when the key is discovered (search #6?)
- Len/O'Kelley/Investigators (explaining the coercion of Brendan) (4)
- Lenk's mysterious involvement every step of the way. (4)
- Teresa Halbach Voicemail details (5)
- Timelines (Colburn License Plate Phone call - 5, Bobby v Busdriver - 6, Police Log at Crime Scene - 7)
- Bones/Burn barrels (6)
- Do we add a GFX of all leads not pursued by Manitowoc or Calumet? (TH roommate, Ryan H, Bobby Dassey, Scott T)?
- Contradictory State arguments (how can Teresa have been killed in bedroom & garage)?
- Graphic of salvage yard and estimate size and # of cars and probability of finding TH's Rav 4 in less than 20 minutes
- Brendan flip flopping statements & dates ?
- Chart out the appeals (9-10)
- Timelines of key events: (1-10)

Perhaps there is one master graphic that could contain both law enforcement, judges and all of the various lawyers

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Music Beats

The role of music throughout the series is vital and will play a primary role in helping guide viewers through this rich and complex narrative. Below are a few proposed areas to review and we look forward to discussing further once the overall episode structure is solidified

- Overall: the lulling guitar hurts the tone. The music should put everyone on the edge of their seat.
- Can we work to establish a subtle but impactful 'theme' track for the baddies, e.g. Lenk, Petersen, Kratz and certainly for Len Kachinsky & Michael O'Kelly to help clearly support that despite their appointed roles to protect Brendan – they are doing him great harm.
- Similarly, there have been moments of hope & promise introduced throughout, e.g.: when Steven secures Buting and Strang on his case, when the Innocence Project / Steve Drizin and team enter Brendan's life – can we work to utilize music to subconsciously and organically support the emotional connection and hope.
- Enhance emotions of Steven's release (Ep1)
- Music is slow when he meets his first girlfriend (and then wife).
- Music could drive the magnitude of the moment that S.A. is first convicted. (Ep1)
- Create the shock of Steven being connected with Teresa's disappearance. (Ep2)
- Sheriff Petersen suggesting that it's easier to kill SA than frame him on the news is absolute madness, should be emphasized (Ep4)
- Major twist when the tampered blood vial is discovered. (Ep4)
- All of the verdicts should be very suspenseful and use music to enhance.
- Enhance shock of Colburn escorting Brendan out when his verdict is read (Ep8-9)
- Michael O'Kelly's testimony is shocking. Music might underscore this to great effect and highlight the importance of his conflict of interest (Ep10)

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Overall Notes

- As we refine, let's be very judicious about ensuring that every scene serves to evolve the key narratives and character development in a novel way. Currently there is a relatively high level of repetition throughout the episodes. Rather than repeat key points for impact, let's make their initial introduction impossible to forget via pacing, music and graphics.
- A large amount of the series is built on S.A.'s narrative based on his phone calls to and from prison. To ground this, perhaps there's a defining visual representation of him talking on the phone (recreated or otherwise) that could be used throughout. (for example: a diverse group of tight to medium shots of him picking up the phone, putting it down, shots from behind, tapping foot, scratching skin etc.)
- Discuss the overall use of drone footage and b-roll. As it stands, while it makes the series feel cinematic and have bigger scope, currently, the use still feels somewhat arbitrary and could be used to have greater strategic effect either to illustrate literally what is happening within scenes or it could be used to create an emotional/atmospheric arc rather than repetitive
- Consistency in subtitles/lower third in a way that clearly distinguishes the different individuals when we are bouncing between different V.O.

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Appendix - Current Overall Structure

Episode:

1. S.A. Background, Arrest and Rape Conviction
 2. S.A. Civil Suit, Disappearance of T.H., Charges against S.A.
 3. Building the case against S.A., Settles Civil Suit, Brendan is arrested
 4. Analysis of Evidence, Brendan is coerced, Evidence was tampered.
 5. Trial begins.
 6. All trial.
 7. All trial.
 - 8-9. End of trial. Verdict. Brendan's trial.
 10. State of family. Sandy introduction. S.A. and Brendan appeal.
- Innocence project analysis. Brendan's hearing for new trial. Round table with lawyers. S.A. trains himself to appeal himself and family visits. Pete reviews. Students discuss. Status of new appeal.

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